

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**MARAL AGARUNOVA,**

**Plaintiff,**

**ORDER**

**-against-**

**16-CV-638 (MKB)**

**THE STELLA ORTON HOME CARE  
AGENCY, INC.,**

**Defendant.**

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**ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:**

Having considered plaintiff's so-called "second motion to compel" (DE #121), and defendant's response thereto (DE #122), this Court concurs with defendant that plaintiff's application suffers from misleading statements and material omissions. Specifically, in recounting the procedural history of this dispute, plaintiff failed to make clear that this is in fact plaintiff's *third* application for broad discovery concerning defendant's financial records (see DE #99 and #116 at n.5); that the Court twice rejected plaintiff's demands as overbroad (see DE #103 and #119); that the Court's most recent order addressing this issue (on June 13th) ordered the parties to confer in good faith to agree upon "narrow, targeted searches" concerning defendant's non-profit status (and other subjects) and to submit a joint, updated status report by July 10, 2019 (DE #119); that the parties had conducted one "meet and confer" on June 20, 2019, and had another one scheduled for June 26, 2019, when plaintiff instead filed her purported "second" motion to compel (see DE #122 at 1-2); and that plaintiff has not served any modified discovery requests since November 2018, *prior to* the Court's

June 13th rejection of those demands as overbroad. The Court will not tolerate such gamesmanship on plaintiff's part. The Court vacates its Order of June 25, 2019 and declines to issue the requested compulsion order. The parties are directed to comply with the Court's June 13th order, to confer in *good faith* to resolve their discovery disputes, and to submit a joint, updated status report by July 10, 2019.

**SO ORDERED.**

**Dated: Brooklyn, New York  
June 28, 2019**

/s/ *Roanne L. Mann*  
**ROANNE L. MANN  
CHIEF UNITED STATES MAGISTRATE JUDGE**